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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,784	06/09/2006	Anthony Scott Oddo	60136.0105USWO	2599

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EXAMINER	
LEWIS, JONATHAN V	

ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/552,784	ODDO ET AL.	
	Examiner	Art Unit	
	JONATHAN LEWIS	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-23,26-30,32-35 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-23,26-30,32-35 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-23, 28-30, 34-35, 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al., hereafter Schaffer (US 2003/0051240) in view of Jasinschi et al., hereafter Jasinschi (US 2003/0229895) in further view of Danker et al., hereafter Danker (US 2004/0172662).

Regarding claim 21 (Currently Amended), Schaffer teaches a method of displaying content recommendations to a user (Abstract discloses the recommendations of content to a user), the method comprising: monitoring content viewed on a content viewing device by a user (Fig. 4B and [0046] disclose the monitoring of viewed content by a user); generating a profile based on viewed content ([0046-0047] discloses the generation of the profile based on viewed content); processing incoming content to identify content available for recommendation (Fig. 5, S86a shows the reception of attribute data of programming, which examiner interprets as identification of available content); comparing available content to the profile (Fig. 6C shows the comparison, via matching [0076-0077], of the implicit profile based on the attribute data of the content D13, as disclosed in [0090]); rating available content based on the comparison of the available content to the profile ([0073-0077] discloses the creation of an implicit score

for the purposes of a threshold to rate content by, where the recommendation made by 112 occurs based on the rating being higher than the threshold as disclosed in [0076, 0081]); determining, by a content recommendation engine, a content recommendation based on the rating of the available content (Fig. 5, S88 shows the generation step, which is based on the rating according to [0089]; Fig. 6C and [0073-0077] disclose the recommendation engine performs this task).

Schaffer teaches all the claim limitations as stated above, but is silent on detecting when a system state change on the content viewing device is imminent; providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation.

However, Jasinschi teaches detecting when a system state change on the content viewing device is imminent (Fig. 1B, 135 shows the searches initiated before a request for programming is made as disclosed in [0023]; note: the definition of "imminent" according to www.freeonlinedictionary.com is "1. liable to happen soon; impending;" therefore, examiner could interpret said detection as turning on the set top box or accessing an EPG, since the set top box would be liable to change channels "soon"); providing to the content viewing device of the user, prior to implementing the system state change, a perceptible indicator of a content recommendation prompting the user with a selection for deciding whether to view the content recommendation (Fig. 1C, 140 shows the step of providing anticipatory content by alerting a user of finding items matching the content preference file, CPF, of Fig. 1A, 105 found in 135; [0024]

discloses the triggered alert is sent to the user, and [0026] discloses the information provided to the user is in the form of a prompt).

Therefore, it would have been obvious to one of ordinary skill in the art, at the invention was made to use, to modify the recommendations of Schaffer to detect a system change and prompt the user of a recommendation before changing, in order to allow service providers to tailor information to a specific user's preferences and insert additional information after production for a fast and enriched television viewing experience.

Schaffer in view of Jasinschi teaches all the claim limitations as stated above, but is silent on switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation; and implementing the system state change when the user selects to not view the content recommendation.

However, Danker teaches switching to the content recommendation without implementing the system state change when the user selects to view the content recommendation (Figs. 3a & 3b shows the option to accept the recommendation based on the channel change event of Fig. 4; [0041, 0044] discloses the recommendation is accepted or declined); and implementing the system state change when the user selects to not view the content recommendation (Figs. 3a & 3b shows the option to accept the recommendation based on the channel change event of Fig. 4; [0041, 0044] discloses the recommendation is accepted or declined).

Therefore, it would have been obvious to one of ordinary skill in the art, at the invention was made to use, to modify the recommendations of Schaffer and Jasinschi to switch to or decline a recommendation that is prompted for them, in order to increase viewership and user satisfaction with a responsive, aesthetically pleasing, easy-to-use user interface.

Regarding claim 22, Schaffer teaches the content recommendation is provided using one or more of a rating engine, recommendation engine and profile engine (Fig. 6C, 111 & 112).

Regarding claim 23, Danker teaches the providing the content recommendation comprises: generating at least one recommendation of local or remote content (Abstract; Fig. 4, 416/418 shows the VOD content is remote).

Regarding claim 28 (Currently Amended), Danker teaches the change in system state comprises a channel change event (Abstract; Figs. 3a & 3b; [0045, 0050] discloses the recommendation via trigger, a channel change).

Regarding claim 29, Danker teaches the interacting further comprises: responding to signals generated by a user-operated remote control device (Fig. 2, 234; [0035, 0070]).

Regarding claim 35, Danker teaches the change channel event is associated with the user selecting a new channel and wherein the user perceptible indicator is configured to allow the user to selectively view the recommended content or content of the new channel (Fig. 4).

System **claims 30, 34, 37** are rejected for the same reasons as stated above in the corresponding method claims.

Claims 26-27, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al., hereafter Schaffer (US 2003/0051240) in view of Jasinschi et al., hereafter Jasinschi (US 2003/0229895) in further view of Danker et al., hereafter Danker (US 2004/0172662) in further view of Alexander et al., hereafter Alexander (US 6,177,931).

Regarding claim 26 (Currently Amended), Schaffer in view of Jasinschi in further view of Danker teaches all the claim limitations as stated above, except the change in system state comprises activation of a client device.

However, Alexander teaches the change in system state comprises activation of a client device (col. 28, lines 24-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Schaffer, Jasinschi and Danker to generate the indicator for content view by multiple user and provide interactivity when a client device is activated, in order to provide a customizable way to display a program guide based on the user's profile information.

Regarding claim 27 (Currently Amended), Schaffer in view of Jasinschi in further view of Danker teaches all the claim limitations as stated above, except the change in system state comprises activation of a television viewing system or set top box associated with the user.

However, Alexander teaches the change in system state comprises activation of a television viewing system or set top box associated with the user (col. 28, lines 30-32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Schaffer, Jasinschi and Danker to generate the indicator for content view by multiple user and provide interactivity when a television system is activated, in order to provide a customizable way to display a program guide based on the user's profile information.

System **claims 32-33** are rejected for the same reasons as stated above in the corresponding method claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Lang et al. US 5,983,214

2. Schaffer et al. US 2002/0108113

3. Hane et al. US 2002/0157096

4. Agnihotri et al. US 2002/0178440

5. Shaffer et al. US 6,934,964

6. Ali US 2002/0199194

7. Trajkovic et al. US 2004/0003392

8. Gutta US 6,727,914

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T Pendleton/
Supervisory Patent Examiner, Art Unit 2425